

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 17-20335

v.

Hon. Stephen J. Murphy, III

NUA GJOKAJ,

Defendant.

_____ /

**United States' Response Opposing
the Defendant's Motion for Compassionate Release**

Nua Gjokaj pleaded guilty to drug and gun crimes, including a heroin charge and 18 U.S.C. § 924(c) charge that carried consecutive 5-year mandatory minimum sentences. He was sentenced to 96 months in prison after the Court departed downward. He has served just over 3 years of his sentence. He recently filed a motion for compassionate release.

If a defendant makes such a motion, the district court may not act on it unless the defendant files it “after” either completing the administrative process within the Bureau of Prisons or waiting 30 days from when the warden at his facility received his request. 18 U.S.C.

§ 3582(c)(1)(A); *United States v. Alam*, -- F.3d --, 2020 WL 2845694, at *2-*3 (6th Cir. 2020). As the Sixth Circuit explained in *Alam*, exhaustion of administrative remedies is “a mandatory condition” that “must be enforced” when the government raises it. *Id.* There are no “equitable carveouts,” even based on the Covid-19 pandemic. *Alam*, 2020 WL 2845694, at *4-*5.

According to Bureau of Prisons records, Gjokaj submitted a request for a reduction in sentence under § 3582(c)(1)(A) to the warden on May 7, 2020. (Ex. 1). When he filed his motion, however, he had neither completed the administrative process nor waited 30 days: he signed the motion on May 7, the Court deemed it filed on May 8 (the postmark date), and it was docketed on May 28. (ECF 42). None of those dates are 30 days after the warden received his request. And the Bureau of Prisons has no record of Gjokaj otherwise completing the administrative process.

Accordingly, the Court must dismiss Gjokaj’s motion.

Respectfully submitted,

Matthew Schneider
United States Attorney

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Dated: June 15, 2020

Certificate of Service

I hereby certify that on June 15, 2020, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the attorneys of record.

I further certify that I have mailed by U.S. mail, or otherwise provided to a representative with the United States Bureau of Prisons, the paper to the following non-ECF participants:

Nua Gjokaj
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